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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

KUAN HOW YANG,  
 JUI NING YANG,

Plaintiffs,

v.

MICHAEL CHERTOFF, Secretary of the  
 Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of  
 U.S. Citizenship and Immigration Services;  
 CHRISTINA POULOS, Director of California  
 Service Center, U.S. Citizenship and Immigration  
 Services;  
 ROBERT S. MUELLER, Director  
 of the Federal Bureau of Investigation;  
 Defendants.

No. C 07-2870 HRL

**JOINT CASE MANAGEMENT  
 STATEMENT**

**1. Jurisdiction and Service**

The basis asserted by plaintiffs for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361, 28 U.S.C. § 2201, and 5 U.S.C. § 701. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

**2. Facts**

The plaintiffs, Kuan How Yang ("Kuan How") and Jui Ning Yang ("Jui Ning"), are natives and

1 citizens of Taiwan who filed Form I-485 applications to adjust their status to lawful permanent  
2 resident with the United States Citizenship and Immigration Services (USCIS) on or about  
3 December 9, 1997, and June 28, 2001, respectively.<sup>1</sup> Both applications are pending with USCIS.

4 The plaintiffs filed an action on June 1, 2007, seeking an order from this Court directing  
5 USCIS to adjudicate their I-485 applications.

### 6 **3. Legal Issues**

7 Whether this Court has subject matter jurisdiction over plaintiffs' complaint.

8 Whether USCIS is processing the plaintiffs' I-485 applications within a reasonable period of  
9 time.

### 10 **4. Motions**

11 The parties intend to file cross-motions for summary judgment.

### 12 **5. Amendment of Pleadings**

13 No parties, claims or defenses are expected to be added or dismissed.

### 14 **6. Evidence Preservation**

15 The parties do not have any evidence that falls within this category.

### 16 **7. Disclosures**

17 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
18 this case.

### 19 **8. Discovery**

20 The parties do not intend to take any discovery at this time.

### 21 **9. Class Actions**

22 N/A

### 23 **10. Related Cases**

24 The parties are not aware of any related case or cases.

### 25 **11. Relief**

26 The plaintiffs ask this Court to direct USCIS to adjudicate their Form I-485 applications.  
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28 <sup>1</sup>The plaintiffs' mother's I-485 application was approved on June 7, 2004.

**12. Settlement and ADR**

The parties have filed their ADR certification and notice of need for ADR phone conference.

**13. Consent to Magistrate Judge for All Purposes**

The parties will consent to the assignment of this case to a magistrate judge.

**14. Other References:**

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues**

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

**16. Expedited Schedule**

The parties believe this case can be resolved on cross-motions for summary judgment.

**17. Scheduling**

The parties propose the following schedule on the parties' cross-motions for summary judgment:

Plaintiffs' Motion for Summary Judgment:	September 28, 2007
Defendants' Opposition/Cross-Motion:	October 12, 2007
Plaintiffs' Reply/Opposition:	October 26, 2007
Defendants' Reply:	November 2, 2007
Hearing:	November 20, 2007, at 10:00 a.m.

**18. Trial**

The parties do not anticipate the need for a trial in this case.

**19. Disclosure of Non-Party Interested Entities or Persons:**

The plaintiffs intend to file his "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

1       **20. Such other matters as may facilitate the just, speedy and inexpensive disposition of**  
2 **this matter**

3       None.

4  
5       Dated: August 28, 2007

6                               /s/  
7                               STANLEY CHAO  
8                               Attorney for Plaintiffs

9       Dated: August 28, 2007

10                              /s/  
11                              EDWARD A. OLSEN  
12                              Assistant United States Attorney  
13                              Attorneys for Defendants

14   **ORDER**

15               The Case Management Statement and Proposed Order are hereby adopted as the Case  
16 Management Order for the case and the parties are hereby ordered to comply with this order.

17       Dated: \_\_\_\_\_, 2007

18   \_\_\_\_\_  
19   HOWARD R. LLOYD  
20   United States Magistrate Judge